

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	No. 1:99-cr-01-03
-v-)	
)	Honorable Paul L. Maloney
KENNETH JEROME VALENTINE,)	
Defendant.)	
_____)	

**ORDER DENYING MOTION FOR REDUCTION OF TERM OF SUPERVISED
RELEASE**

Defendant Valentine filed a motion titled “Second Motion to Amend and Reduce Supervised Release Term” (ECF No. 1089). The Court will deny the motion.

In 2000, a jury convicted Defendant of conspiring to distribute and to possess with the intent to distribute cocaine, crack cocaine and marijuana. The Court sentenced Defendant to 292 months imprisonment followed by 10 years of supervised release.

On April 19, 2019, through counsel, Defendant filed a motion for modification of sentence under the First Step Act (ECF No. 1048). Defendant asked for a reduction in his term of imprisonment and also a reduction in the term of supervised release. The Court granted the motion in part and reduced his term of imprisonment to time served (ECF No. 1059). The Court ordered that “all other provisions of the judgment dated 06/08/2000 shall remain in effect” (*Id.*). Through counsel, on November 30, 2020, Defendant filed a second motion for reduction of sentence under the First Step Act (ECF No. 1072). The Court denied the motion finding that the First Step Act permits only one motion.

On September 7, 2021, acting without the benefit of counsel, Defendant filed another motion for reduction of the term of supervised release (ECF No. 1077). This time, Defendant sought relief under 18 U.S.C. § 3583(e)(2) (*Id.*). Defendant had been placed on supervised release more than one year prior. The Court interpreted the motion as one for termination of supervised release under § 3583(e)(1). The Court indicated that it would consider a renewed motion for early termination of supervised release no earlier than August 8, 2024. Defendant then filed a motion for reconsideration asking for relief under § 3583(e)(2) (ECF No. 1079) which the Court denied (ECF No. 1082).

In the present motion, Defendant again asks the Court to reduce the term of supervised release. Defendant again relies on 18 U.S.C. § 3583(e)(2). Defendant seeks a reduction in his term of supervised release, but not early termination of the term of supervised release. The Court concludes it lacks the authority to grant Defendant the relief he seeks.

1. Title 18 U.S.C. § 3583(e)(1) permits a court to “terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release[.]” The statutory provision authorizes only termination. The statutory provision does not authorize a court to otherwise reduce a term of supervised release by decreasing the length of the term while keeping a defendant under supervised release.

2. Title 18 U.S.C. § 3583(e)(2) permits a court to “extend a *term* of supervised release” and “may modify, reduce, or enlarge the *conditions* of supervised release at any time prior to the expiration or termination of the term of supervised release[.]” The conditions of supervised release address what a supervisee may and may not do (*e.g.*, prohibited from

using a device that can connect to the internet or travel outside the district). This statutory provision permits a court to reduce the conditions of supervision. The statutory provision does not permit a court to reduce the term of supervised release (*i.e.*, the number of months or years on supervised release).

3. The authority Defendant cites does not require different conclusions. None of the cases cited by Defendant establish that a court may reduce the length (days, weeks, months, years) of a sentence of supervised release under § 3583(e)(2).

For these reasons, the Court **DENIES** Defendant's motion to reduce term of supervised release. (ECF No. 1089.) **IT IS SO ORDERED.**

Date: December 7, 2022

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge